
Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
)	File No. EB-00-DT-801
Shepler's Inc.)	
Mackinaw City, Michigan)	NAL/Acct No.: No. 200132360002

ERRATUM

Released: April 6, 2001

By the District Director, Detroit Office, Enforcement Bureau:

1. In this *Erratum*, we make a correction to the *Notice of Apparent Liability for Forfeiture*¹ ("NAL") in the amount of two thousand two hundred dollars (\$2,200) issued to Shepler's Inc., owners of vessels the "Capt. Shepler" and "Wyandot", for apparent violations of Sections 80.953(a) and 80.953(b) of the Commission's Rules and Regulations (the "Rules") by navigating the Great Lakes without having obtained the annual GLA inspection and certification of their marine VHF radiotelephone equipment.²

2. Specifically, we correct the citation of Section 503(b)(2)(d) of the Act in paragraph 6 of the NAL to read Section 1.80 of the Rules.³ Since violation of the Great Lakes Agreement is subject to a non-Section 503 forfeiture, we must reference only the Section 1.80 provisions.

3. In like manner, we must also correct the reference to base forfeiture amounts and their inflation adjustment. Section 1.80 specifies a statutory maximum of five hundred fifty dollars (\$550) per day for non-Section 503 forfeitures. This is the same dollar amount as was previously used, but its statutory basis is clarified.

4. Finally, we remove the reference to egregiousness, as it is not an adjustment criteria specified by Section 1.80. The downward adjustment criteria of cooperation results in a reduction from a total forfeiture of six thousand fifty dollars (\$6,050) for eleven days of violative conduct to two thousand two hundred dollars (\$2,200). These factors were considered in the original NAL forfeiture amount, but incorrectly stated.

¹ *Notice of Apparent Liability for Forfeiture*, NAL/Acct. No. 200132360002 (Enf. Bur., Detroit Office, rel. March 27, 2001).

² 47 C.F.R. §§ 80.953(a) and 80.953(b).

³ 47 C.F.R. § 1.80.

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5. The corrected text of paragraph 6 reads as follows. Based on the evidence before us, we find that Shepler's Inc. has violated the Great Lakes Agreement and Sections 80.953(a) and 80.953(b) of the Commission's Rules as a result of their vessel the "Capt. Shepler" having navigated the Great Lakes on September 18, 19, 20, 21, 22, 23, 24 and 28, 2000, and their vessel the "Wyandot" having navigated the Great Lakes on September 20, 22, and 24, 2000 without having had their radiotelephone installation inspected and certified as required by the Great Lakes Agreement. *The Commission's Forfeiture Policy Statement and Amendment of Section 1.80 of the Rules to Incorporate the Forfeiture Guidelines*, 12 FCC Rcd 17087, 17113 (1997), *recon. denied*, 15 FCC Rcd 303(1999) ("*Forfeiture Policy Statement*"), sets the statutory maximum amount forfeiture at five hundred fifty dollars (\$550) per day for violating the Great Lakes Agreement. In assessing the monetary forfeiture amount, we must take into account the downward adjustment factors set forth in Section 1.80 of the Rules for non-Section 503 forfeitures, which include minor violations, good faith or voluntary disclosure, history of overall compliance, and inability to pay. While this is not a minor violation, the record reveals that Shepler's Inc. has an overall history of compliance and showed good faith surrounding the violations by the voluntary disclosure of information, so the forfeiture is adjusted downward. Applying the Policy Statement and the adjustment criteria to the instant case, we believe that a two thousand two hundred dollar (\$2,200) monetary forfeiture is warranted.

6. IT IS ORDERED that a copy of this *Erratum* shall be sent by certified mail, return receipt requested, to Shepler's Inc., P.O. Box 250, Mackinaw City, Michigan 49701.

FEDERAL COMMUNICATIONS COMMISSION

James A. Bridgewater
District Director
Detroit Office